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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 22

Application Number: 09/224,262
Filing Date: December 31, 1998
Appellant(s): ACCARDI ET AL.

Tait R. Swanson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/04/2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

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(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-28 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

U.S. 6,434,572

Derzay et al.

August 13, 2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Derzay et al. (U.S. Patent No. 6,434,572).

As to claim 1, Derzay et al. taught the invention substantially as claimed, including:

a) a medical diagnostic station [for example, 12, Fig. 1] configured to store medical image data [88, Fig. 1; col. 1, line 40 - col. 2, line 8];

b) a field service unit [for example, 24, Fig. 1] configured to generate service requests for operational servicing of the medical diagnostic station, identifying a standard service from a plurality of service functions and a unique identifier for the medical diagnostic station [col. 4, lines 58-61; Fig(s). 6-11, col. 12, lines 25-65];

c) a service facility [for example, 22, Fig. 1] coupled to the medical diagnostic station and to the field service unit via network links [for example, 80, Fig. 1] for receiving the service requests from the field service unit and transmitting requested data to the field service unit [Abstract; lines 3-7; col. 4, lines 47-61].

As to claims 2 and 7, Derzay et al. further disclosed the system comprising a plurality of medical diagnostic stations of different modalities [col. 1, lines 25-38; for example, see 14, 16, 18, Fig. 1], and wherein the standard service functions of service requests include modality-specific functions [col. 8, line 55- col. 9, line 4, 118, 120, 122, Fig. 3].

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As to claim 3, Derzay et al. further disclosed the field service unit of the system is configured to transmit the service request via an electronic message to the service facility [for example, see Fig(s). 6, 10, etc.], and the service facility is configured to transmit the data to the field service unit via an electronic response message [col. 12, lines 25-32; for example, see Fig. 9].

As to claim 4, Derzay et al. further disclosed the service facility is configured to verify consistence between components of the service requests received from the field service unit prior to accessing the data from the medical diagnostic system [254, Fig. 12; 284, 288, Fig. 13; col. 16, lines 24-34; col. 17, line 55 - col. 18, line 2].

As to claim 5, Derzay et al. further disclosed the system including at least one database for storing historical service data for the diagnostic station [102, Fig. 2], and the service facility is configured to access the historical service data for response the service request from the field service unit [for example, see Service History button, Fig. 9].

As to claim 6, Derzay et al. further disclosed the service facility is configured to receive the service request, access the data from the diagnostic system and transmit the data to the field service unit automatically and without operator intervention [col. 3, lines 27-37; Fig. 13; col. 18, lines 39-42].

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As to claims 8-15, these claims repeat either the same limitations of claims 1-7 or well known features in the medical diagnostic system. As the method and architecture of these claims has been shown to be taught or fairly suggested by Derzay et al. As such, these claims are rejected for the same reasons given above.

As to claims 16-28 the steps in the claimed method are deemed to be made inherit by the functions of the apparatus structure in the combination discussed above, hence were rejected for the same reasons.

(11) *Response to Argument*

Applicant's arguments filed on 12/04/2003 have been fully considered but they are not persuasive.

For group 1: Appellant argues the following: 1) the Derzay reference does not disclose all of the claimed features, such as the standard service function associated with the service request; 2) "the Examiner's interpretation of the problem area 206 is based on mere possibilities and unreasonable assumptions. It does not necessarily flow from Derzay's disclosure of problem areas 206 that a standard service function would or could accompany the otherwise custom service request page 202."

The examiner disagrees. Examiner counters by pointing out that Derzay specifically discloses a medical diagnostic system [e.g., Fig. 1; col. 6, lines 45-49] comprising hardware or software for processing the various service requests and for

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receiving and transmitting the service data as described in Fig(s). 8-9 & 11 [e.g., col. 7, lines 4-10; col. 13, line 34 – col. 14, line 67; col. 15, line 29 – col. 16, line 9]. Wherein, the service request processing (including Fig(s). 8-9 & 11), the receiving [e.g., the receiving of a user's selection for the unit 206, Fig. 8] and transmitting of the service data [e.g., the transmitting function provided by the unit 216, Fig. 8] are clearly regarded as operational standard service functions of the medical diagnostic system.

In addition, the receiving [e.g. the receiving of a user's selection of the unit 206, Fig. 8] and transmitting of the service data [e.g., the user can transmit his request with the selected area unit (206, Fig. 8) to the medical service center via pushing the button (216, Fig. 8)] are deemed to be an operational flow of the service request page (202, Fig. 8). Thus, Derzay's reference reads the claimed features.

For group II: Appellant argues the following: 1) neither the problem area 206 nor the problem description text box 212 identifies any service function, much less a predefined function; 2) these pages 218 and 236 are neither a part of the service request page 202, nor are they intended to operate as a feature of a service request.

The examiner disagrees. Examiner counters by pointing out that Derzay specifically discloses the following at col. 13, lines 37-41:

"the uniform graphical user interface facilitates formulation of service requests and enables system designers to permit such service requests in a similar manner across several diagnostic system modalities. FIG. 8 illustrates an exemplary interface page for formulating such service requests. In the page shown in FIG. 8, a "snap shot" or current system state may be captured as the basis for the service request."

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Based on the above statement the problem area (206, Fig. 8) and the problem description text box (212, Fig. 8) are clearly being identified as parts of the predefined standard uniform graphical service function associated with the service request page (202, Fig. 8) of the medical diagnostic system.

Furthermore, Derzay specifically discloses the following at col. 13, lines 53-65:

"It should be noted that the service requests formulated via a page such as that shown in FIG. 8 and described below are not limited to identifying image acquisition or processing problems, or to capturing image files only. Such requests may relate to general or system-specific questions, or may identify data files containing system configuration data, and data indicative of historical operational parameters or events. Such events may include parameter limits exceeded, timeouts, protocol configurations, hardware and software configurations, work queues, and so forth. Similarly, image data identified for evaluation may include both processed, partially processed and raw data from which images are subsequently reconstructed."

As such, the Web pages 218 and 236 are intended to operate as a feature of a service request for requesting, compiling, and transmitting reports as shown by 218, Fig. 9 or descriptions of software routines such as imaging protocols as shown by 236, Fig. 11.

For group III: Appellant argues that the Derzay reference does not disclose all of the claimed features, such as the predefined service function identified with the service request and transmitted to the automated service facility for automatic handling.

The examiner disagrees. Derzay clearly discloses a predefined service function [e.g. the predefined transmitting function of "Send To Service Center" button (216, Fig.

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8)) is identified with the service request page [e.g. 202, Fig. 8] which allows the system user to transmit the service request [202, Fig. 8] to the automated service facility [e.g. col. 14, lines 26-28] for automatic handling the submitted service request [e.g. col. 3, lines 27-37].

For group IV: Appellant repeats issues already addressed above. Since no other arguments have been made regarding these claims, the responses provided above by Examiner are herein repeated by reference.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Susan Chen
February 20, 2004

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